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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID GARCIA,

Defendant.

CASE NO. 1:22-CR-00308-ADA-BAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

CURRENT DATE: June 14, 2023
TIME: 1:00 p.m.
COURT: Hon. Barbara A. McAuliffe

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and DAVID GARCIA,
by and through defendant's counsel of record, Robert Lamanuzzi, hereby stipulate as follows:

1. By previous order, this matter was set for status on June 14, 2023.
2. By this stipulation, defendant now moves to continue the status conference until September 13, 2023, and to exclude time between June 14, 2023, and September 13, 2023, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].
3. While the parties anticipate that the case may resolve without a trial, this is not yet a certainty. If defendant ultimately does not enter a guilty plea and decides to proceed to trial, the parties agree and stipulate, and request that the Court find the following:
 - a) The government asserts the discovery in this matter has been provided to counsel. The government is aware of its ongoing discovery obligations.

1 b) The government provided a plea offer on June 8, 2023.

2 c) Counsel for the defendant desires additional time to consult with his client, to
3 review the current charges, to conduct investigation and research related to the charges, to review
4 and/or copy discovery for this matter, to discuss potential resolutions with his client, to prepare
5 pretrial motions, and to otherwise prepare for trial. Defense counsel recently attempted to meet
6 with his client, but encountered some scheduling issues and the meeting did not occur.

7 d) Counsel for defendant believes that failure to grant the above-requested
8 continuance would deny them the reasonable time necessary for effective preparation, taking into
9 account the exercise of due diligence.

10 e) The government does not object to the continuance.

11 f) Based on the above-stated findings, the ends of justice served by continuing the
12 case as requested outweigh the interest of the public and the defendant in a trial within the
13 original date prescribed by the Speedy Trial Act.

14 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
15 et seq., within which trial must commence, the time period of June 14, 2023 to September 13,
16 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
17 T4], because it results from a continuance granted by the Court at defendant's request on the
18 basis of the Court's finding that the ends of justice served by taking such action outweigh the
19 best interest of the public and the defendant in a speedy trial.

20 **[Remainder of page intentionally left blank.]**

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: June 8, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ KIMBERLY A. SANCHEZ
KIMBERLY A. SANCHEZ
Assistant United States Attorney

Dated: June 8, 2023

/s/ Robert Lamanuzzi
Robert Lamanuzzi
Counsel for Defendant

ORDER

IT IS SO ORDERED that the status conference is continued from June 14, 2023, to **September 13, 2023, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: **June 8, 2023**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE